

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MONIQUE GRAVES-GALLOWAY,

Plaintiff,

v.

CASE NO. 08-10947  
HON. LAWRENCE P. ZATKOFF

ASSET ACCEPTANCE, LLC,

Defendant.

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**ORDER TO REMAND IN PART**

Plaintiff filed her Complaint in the Oakland County Circuit Court on February 14, 2008. Defendant timely removed the action to this Court on March 5, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367(a) or, alternatively, 28 U.S.C. § 1441(c). Plaintiff's Complaint contains the following two counts:

Count I      Fair Debt Collection Practices Act, 15 U.S.C. § 1692; and

Count II      Mich. Comp. Laws § 445.252 and Michigan Occupational Code.

The Court has subject-matter jurisdiction over Count I because it arises under federal law. *See* 28 U.S.C. § 1331. Count II, however, is based on state law. The Court finds that 28 U.S.C. § 1367 is the appropriate provision governing removal of state-law claims in this matter. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction over state-law claims if there are "compelling reasons for declining jurisdiction." 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the

undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (Count II) is REMANDED to the Oakland County Circuit Court. The Court retains jurisdiction over Plaintiff's federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: March 13, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 13, 2008.

s/Marie E. Verlinde  
Case Manager  
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